

105TH CONGRESS  
1ST SESSION

# H. R. 71

To amend the Fair Labor Standards Act of 1938 to exempt from the minimum wage and overtime requirements individuals who volunteer their time in order to enhance their occupational opportunities.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. KNOLLENBERG introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Fair Labor Standards Act of 1938 to exempt from the minimum wage and overtime requirements individuals who volunteer their time in order to enhance their occupational opportunities.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Job Skill Development  
5       Act of 1997”.

1 **SEC. 2. VOLUNTEERS.**

2 Section 3(e)(4) of the Fair Labor Standards Act of  
3 1938 (29 U.S.C. 203(e)(4)) is amended by adding at the  
4 end the following:

5 “(C) The term ‘employee’ does not include any indi-  
6 vidual who volunteers to perform services for an employer  
7 if—

8 “(i) the individual’s volunteering to perform  
9 services was initiated by the individual;

10 “(ii) the individual volunteers to perform serv-  
11 ices for not more than 1040 hours and for not more  
12 than 40 hours in any week;

13 “(iii) the individual receives no compensation  
14 for, or is paid only expenses, reasonable benefits, or  
15 a nominal fee to perform, the services for which the  
16 individual volunteered;

17 “(iv) the services for which the individual volun-  
18 teered are not services for which the individual has  
19 been employed by such employer;

20 “(v) such services develop skills and experience  
21 for which the individual may thereafter be employed;

22 “(vi) the individual has voluntarily agreed to  
23 perform such services with no promise of employ-  
24 ment by the employer;

1           “(vii) no regular employee has been laid off or  
2           terminated by such employer from the position to be  
3           filled by such individual; and

4           “(viii) no regular employee experiences a reduc-  
5           tion in hours, wages, or employment benefits as a  
6           result of the services performed by such individual.”.

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